

## AVOW: Some questions and not many answers

The written reasons for the Employment Tribunal's judgment in the case of Bove v AVOW were sent to the parties in August, but the damning judgment itself, with reasons, was handed down verbally to Ms Bove, Mr Gallanders and AVOW's legal representative on the last day of the Tribunal hearing, Monday 14th March 2011.

Knowing that AVOW's own governance had been roundly condemned by the Tribunal, Mr Gallanders went ahead with negotiations leading to the eventual take-over of the management of the also troubled Plas Madoc Communities First project. Neither AVOW nor Minister Carl Sargeant have yet responded to repeated questions about whether and when AVOW informed the Welsh Government of the Employment Tribunal and its outcome.

A month ago, Mark Isherwood asked Chair of Trustees Dr Rosenberg to answer the allegation made by ex-trustee Nick Colbourne and openly reported in the press that AVOW board members had been 'parachuted in' to get the Plas Madoc Communities First vote through. Neither Dr Rosenberg nor anyone else at AVOW has yet responded on this point.

The panel undertaking a review of the Tribunal findings, consisting of two trustees and an 'independent chair' has, at the time of writing, yet to respond to AM Mark Isherwood on a number of points he raised weeks ago including:

- whether the panel will interview Ms Bove as part of its investigation 'given that her story is central to the Inquiry.' No approach has yet been made to Ms Bove by the panel (or by anyone else) regarding the review.
- whether the panel will 'see the full documentation from the tribunal case, rather than just the findings – i.e. agreed bundle, including the bundle of papers AVOW allegedly objected to being used but which was allowed, and all witness statements.'

The disputed documents include emails sent by Mr Gallanders to AVOW's employment advisers. These revealed Mr Gallanders' wrongdoing and exposed his real intentions, for example trying to avoid Ms Bove transferring to AVOW, using a request for medical evidence to be 'awkward' towards Ms Bove and requesting an enhanced CRB check not to protect vulnerable people but as 'a long shot' that something would come back on it. AVOW's witness statements also attracted particular criticism from the Tribunal Judge.

The full terms of reference of the review have not been made public, nor will AVOW confirm that the panel's report will be made public, this despite the fact that the regulatory and overseeing bodies appear to be holding back on any action in respect of AVOW pending the report. There is not even a confirmed deadline for the report to be produced.

**Concerned? You should be!**

28 November 2011

## Quotes from the Employment Tribunal findings in the case of BOVE v AVOW

***"A chair of trustees such as Mr Davies would have great authority to speak on [AVOW's] behalf... it was reprehensible for Mr Gallanders (who was not himself a trustee) to write a letter in Mr Davies' name, without his consent..."***

*"Mr Gallanders was not simply manipulating the body of trustees to achieve the outcome he wanted, he was usurping their role by reaching their decisions for them."*

***"This is a conclusion that we reach in only exceptional cases, but we have reached it in this case without hesitation: from start to finish, the grievance processes were a sham."***

*"The trustees merely listened to what the claimant said and took no proper decisions in response. They deferred all such decisions to the officers. They failed in their duties to oversee the conduct of the officers. The fact that they are unpaid volunteers is no excuse."*

***"Most serious of all was the lack of any proper attempt to deal with the claimant's grievance against Mr Gallanders."***

*"It was clear to us that, all along, Mr Gallanders had wanted the claimant's appeal to fail and had been looking for a basis on which to reject it."*

***"It was not enough for the respondent to simply arrange for meetings where the trustees would say, in effect 'we'll get back to you' and then not to do so. The effect of Dr Rosenberg's letter was to erect a stone wall between the claimant and the trustees..."***

*"Mr Gallanders responded to the claimant's third formal grievance... We agree with the claimant that this letter was written in a hostile tone. In particular, it added to the height of the metaphorical stone wall that was being erected between the claimant and the trustees, which was entirely inappropriate given that her outstanding complaints were all against him and there was no-one else to whom she could turn to pursue them."*

***"[T]hroughout the claimant's employment and up until the moment she resigned, the respondent failed in its duty to make reasonable adjustments."***

*"[The Optometrist's] report was not fit for the purpose of being the 'Occupational Health Assessment carried out by an Ophthalmic specialist' that Mr Gallanders had promised..."*

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